



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 27, 2000

Walt A. Barrows, Treasurer
Brotherhood of Railroad Signalmen
Political Action Committee
P.O. Box U
Mount Prospect, IL 60056

RE: MUR 5002
Brotherhood of Railroad Signalmen
Political Action Committee and
Walt A. Barrows, as Treasurer

Dear Mr. Barrows:

On April 21, 2000, the Federal Election Commission found that there is reason to believe Brotherhood of Railroad Signalmen Political Action Committee and you, as treasurer, violated 2 U.S.C. § 434(a)(4)(B), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

You may submit any factual or legal materials that you believe are relevant to the Commission's consideration of this matter. Please submit such materials to the General Counsel's Office within 15 days of your receipt of this letter. Where appropriate, statements should be submitted under oath. In the absence of additional information, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation.

In order to expedite the resolution of this matter, the Commission has also decided to offer to enter into negotiations directed towards reaching a conciliation agreement in settlement of this matter prior to a finding of probable cause to believe. Enclosed is a conciliation agreement that the Commission has approved.

If you are interested in expediting the resolution of this matter by pursuing preprobable cause conciliation, and if you agree with the provisions of the enclosed agreement, please sign and return the agreement, along with the civil penalty, to the Commission. In light of the fact that conciliation negotiations, prior to a finding of probable cause to believe, are limited to a maximum of 30 days, you should respond to this notification as soon as possible.

Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

Walt A. Barrows, Treasurer
MUR 5002
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If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address, and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

This matter will remain confidential in accordance with 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A), unless you notify the Commission in writing that you wish the investigation to be made public.

For your information, we have attached a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Jim Moye, the staff member assigned to this matter, at (202) 694-1650.

Sincerely,



Darryl R. Wold
Chairman

Enclosures

Factual and Legal Analysis
Procedures
Designation of Counsel Form
Conciliation Agreement

2025-10-10 10:02

FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENT: Brotherhood of Railroad Signalmen MUR: 5002
Political Action Committee and
Walt A. Barrows, as treasurer

I. GENERATION OF MATTER

This matter was generated based on information ascertained by the Federal Election Commission ("the Commission") in the normal course of carrying out its supervisory responsibilities. See 2 U.S.C. § 437g(a)(2).

II. FACTUAL AND LEGAL ANALYSIS

A. THE LAW

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires treasurers of political committees, other than authorized committees of a candidate, to file periodic reports of receipts and disbursements. 2 U.S.C. § 434(a)(1). Such committees may choose to file reports either on a monthly or a quarterly basis. 2 U.S.C. § 434(a)(4). Committees which choose to file monthly reports are required to file each report no later than the 20th day after the last day of the month, and each report shall be complete as of the last day of the month. 2 U.S.C. § 434(a)(4)(B). The Act requires that, in lieu of filing reports otherwise due in November and December of any year in which a regularly scheduled general election is held, a pre-general election report must be filed no later than the 12th day before (or posted by registered or certified mail no later

than the 15th day before) the election, and which shall be complete as of the 20th day before the election; a post-general election report must be filed no later than the 30th day after any general election and must be complete as of the 20th day after the general election; and a year end report must be filed no later than January 31 of the following calendar year. 2 U.S.C. § 434(a)(4)(B).

See also 2 U.S.C. §§ 434(a)(2)(A)(i) and (ii).

B. THE FACTS

Brotherhood of Railroad Signalmen Political Action Committee and Walt A. Barrows, as treasurer ("the Committee"), is a political committee that is not an authorized committee of a candidate, and has elected to file disclosure reports on a monthly basis.

The Committee was required to file its 1997 May Monthly Report no later than May 20, 1997, and its 1997 June Monthly Report no later than June 20, 1997. The Committee was also required to file its 1997 September Monthly Report no later than September 20, 1997, and its 1997 November Monthly Report no later than November 20, 1997. Further, the Committee was also required to file its 1998 February Monthly Report no later than February 20, 1998 and its 1998 April Monthly Report no later than April 20, 1998. In addition, the Committee was also required to file a 1998 30 Day Post-General Report no later than December 3, 1998 and a 1998 Year End Report no later than January 31, 1999.

The Committee's 1997 May Monthly Report, which disclosed \$4,959.03 in receipts and \$7,294.05 in disbursements, was not filed until May 30, 1997, 10 days late. The 1997 June Monthly Report, which disclosed \$6,556.31 in receipts and \$31.73 in disbursements, was not filed until July 15, 1997, 25 days late. The 1997 September Monthly Report, which disclosed \$5,127.56 in receipts and \$3,537.41 in disbursements, was not filed until October 14, 1997,

24 days late. The 1997 November Monthly Report, which disclosed \$7,361.96 in receipts and \$7,867.01 in disbursements, was not filed until December 18, 1997, 28 days late. The 1998 February Monthly Report, which disclosed \$8,497.12 in receipts and \$6,795.06 in disbursements, was not filed until March 26, 1998, 34 days late. The 1998 April Monthly Report, which disclosed \$5,586.50 in receipts and \$12,532.64 in disbursements, was not received until May 7, 1998, 17 days late. The 1998 30 Day Post-General Report, which disclosed \$5,172.59 in receipts and \$791.21 in disbursements, was not filed until December 21, 1998, 18 days late.¹ The 1998 Year End Report, which disclosed \$2,243.42 in receipts and \$1,036.88 in disbursements, was not filed until February 11, 1999, 11 days late.²

Prior notices were mailed to the Committee informing it of the due dates for filing each of the reports at issue. Following the 1997 June Monthly Report and the 1997 November Monthly Report, separate non-filer notices were mailed to the Committee stating that it had failed to file the reports at issue and advising it to file the reports immediately. Although the Committee was given prior notice of when to file the reports, it continued to submit reports after their due dates during the 1997-1998 election cycle. On January 9, 1998, a Chronic Late Filer Notice was sent to the Committee for failing to file the 1997 May Monthly, 1997 June Monthly, 1997 September

¹ The Committee filed two monthly reports covering the period which should have been reported on the 30 Day Post-General Report (October 16-November 23). The 1998 Post-General Report was due on December 3, 1998. The Committee filed a report covering activity from October 16, 1998 to October 31, 1998 on November 27, 1998, and a report covering activity from November 1, 1998 to November 23, 1998 on December 21, 1998, 18 days after the 1998 Post-General Report due date.

² The Committee filed two monthly reports covering the period which should have been reported on the 1998 Year End Report (November 24-December 31). The 1998 Year End Report was due on January 31, 1999. The Committee filed a report covering activity from November 1, 1998 to November 30, 1998, on December 21, 1998, and a report covering activity from December 1, 1998 to December 31, 1998, on February 11, 1999, 11 days after the 1998 Year End Report was due.

Monthly and 1997 November Monthly Reports in a timely manner.³ The Notice advised the Committee that any additional late filing of reports might result in legal enforcement action. Subsequent to the mailing of the Chronic Late Filer Notice, the Committee failed to file the 1998 February Monthly, 1998 April Monthly, 1998 30 Day Post-General and 1998 Year End Reports in a timely manner.

Therefore, there is reason to believe that Brotherhood of Railroad Signalmen Political Action Committee and Walt A. Barrows, as treasurer, violated 2 U.S.C. § 434(a)(4)(B).

³ The Chronic Late Filer Notice referenced a due date of September 30, 1997, for the 1997 September Monthly Report. The correct due date for the report is September 20, 1997.